

## DOCKET SECTION

BEFORE THE  
POSTAL RATE COMMISSION  
WASHINGTON, D.C. 20268-0001

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POSTAL RATE AND FEE CHANGES, 1997

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POSTAL RATE COMMISSION  
OFFICE OF THE SECRETARY

Docket No. R97-1

**OPPOSITION OF THE UNITED STATES POSTAL SERVICE  
TO DOUGLAS CARLSON MOTION TO COMPEL  
A FURTHER RESPONSE TO DBP/USPS-6(n)  
(December 11, 1997)**

The United States Postal Service hereby files this opposition to the November 24, 1997, motion of Douglas Carlson seeking to compel a further response to DBP/USPS-6(n). For the reasons stated below, the motion should be denied.

The interrogatory asks whether there are instances of pickup times being set on collection box labels "deliberately . . . well before" the actual collection times, so as to reduce the likelihood of the collection box being collected early. On November 14, 1997, the Postal Service responded by indicating that a comprehensive survey of collection box times and interviews of local personnel would be needed to determine whether there are any instances of collection times set "deliberately well before" actual collection times.

Does the phenomenon occur? Given the number of post offices and collection boxes nationwide, and the numbers of persons involved in establishing posted collection times and picking up collection mail, the Postal Service considers it imprudent to presume the scenario alluded to in the question to be outside the realm of possibility. In the absence of a comprehensive survey, it is not certain that the Postal Service can know whether it occurs or with what frequency.

It is the Postal Service's considered judgment that the best way to provide any meaningful or instructive information responsive to Mr. Popkin's inquiry would be to

canvass or study the operations of numerous post offices. The Postal Service has not undertaken the comprehensive survey described in its November 14, 1997, response to DBP/USPS-6(n). Nevertheless, in response to DBP/USPS-6(n), the Postal Service is willing to stipulate<sup>1</sup> that there are one or more instances in the postal system where the time posted on the collection box is "well before" the time the collection mail is picked up.<sup>2</sup>

The Postal Service, however, does not believe that such a stipulation, or an actual confirmation that the phenomenon does occur at a particular post office, provides much enlightenment to the Commission in relation to the costing and pricing issues it must resolve. In the absence of a comprehensive survey or sample of operations nationwide which could reveal the magnitude of the phenomenon described in the question, confirmation (or stipulation) that the phenomenon occurs somewhere -- has no material bearing on any costing or pricing issue in this proceeding.

At page 2 of his motion, Mr. Carlson argues that a comprehensive survey would be necessary only if the Postal Service first conducted an investigation of "reasonable scope" and failed to uncover any instances of the posted collection times being set "well before" the actual time for the purpose of averting early collection. He argues that "the Postal Service could reasonably have contacted its 10 area offices . . ." and that "if a survey of the area offices did not produce the necessary information, the Postal Service

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<sup>1</sup> We propose this with significant reservations. We believe that there is a very legitimate concern that those relatively few intervenors whose focus tends to stray from the costing and pricing issues which are central to this proceeding are likely to seize upon the precedent of such a stipulation to press for stipulations on an endless spate of other matters which have no material bearing on the issues in this proceeding.

<sup>2</sup> Without knowing what Mr. Carlson or Mr. Popkin intend by the term "deliberately" in DBP/USPS-6(n), the Postal Service is unwilling to stipulate that any such instance occurs as the result of a particular intent on the part of any supervisor or collection employee.

could have contacted a few district offices and local post offices and inquired of their procedures.” *Id.*

While Mr. Carlson may believe that “asking a few district offices and local post offices” to indicate whether the phenomenon described in DBP/USPS-6(n) occurs somewhere “would have been reasonable,” the Postal Service believes that what is *reasonable depends, in large measure, on the actual information sought and the available means of obtaining it.* Confirmation that a “deliberate” incongruence between the collection box pickup and posted collection times exists at some post office may not be obtained by contacting Area or District offices. In this case, it is the judgment of the Postal Service that the nature of the confirmation sought would require direct contact with local post offices which engage in collection activity in order to determine whether there are instances of postal operations that “deliberately” deviated from postal policies. It is likely that, in order to determine if the scenario alluded to in DBP/USPS-6(n) occurs, the Postal Service would have to examine local post office records relating to the establishment of pickup times for collection boxes and interview post office managers, supervisors, and other personnel to determine if any of their actions were “deliberate” within the meaning of DBP/USPS-6(n). This is not what Presiding Officer’s Ruling No. R97-1/53 intended, since it concluded that a response to DBP/USPS-6(o), enumerating all instances, would be unduly burdensome.

Mr. Carlson’s arguments that the Postal Service should be compelled to seek this information from its Area or District Offices is contradicted by his claim, at page 3 of his motion, that he directed inquiries to personnel at the Emeryville Post Office in his apparent quest to determine the existence of specific collection box pickup times which “deliberately” deviate from posted pickup times. Putting aside for a moment the obligation to conduct rate case inquiries through established discovery procedures, Mr.

Carlson's inquiries at the Emeryville Post Office, at the very least, demonstrate a lack of conviction in the argument that the place to start such an inquiry is at an Area or District Office.

At pages 3-4 of his motion, Mr. Carlson finally attempts to construct a rate case pretext for compelling a further response to DBP/USPS-6(n). There, he argues that the requested information is

relevant to an evaluation of the Postal Service's [EXFC] performance statistics. For example, if EXFC has prompted the Postal Service to post collection times that are earlier than the pre-EXFC collection times, the value of service has, in this respect, decreased because customers now must deposit their mail earlier or use boxes that are located farther away that have a later posted collected time -- even though the actual collection time of the closer box would have sufficed for the customer.

Carlson Motion at 3-4. Would the requested confirmation that the DBP/USPS-6(n) scenario occurs somewhere in the postal system shed any light on general differences between "pre-EXFC" and current collection box times? It seems unlikely, since an affirmative response to DBP/USPS-6(n) would be along the lines of "Yes, it has been determined that Post Office X 'deliberately' has posted collection box pickup times which are 'well before' the actual pickup at collection boxes 1 and 2." Accordingly, a complete response to DBP/USPS-6(n) would not provide a basis for arguing that there has been some general change in pickup times which has caused there to be some diminution in the value of First-Class Mail service relevant to the Commission's consideration of what rates are appropriate for Docket No. R97-1 test year. In addition, Mr. Popkin's interrogatory -- as explained in his motion to compel -- concerns a reason unrelated to EXFC for posting an earlier collection time. Mr. Carlson's attempt to link the interrogatory to EXFC is misdirected. Finally, the pretext for Mr. Carlson's inquiry, namely, the nexus between EXFC and operating practice he expects to uncover, is

sheer speculation for which he offers no foundation. Even in the unlikely event that local records underlying the existence of the "deliberate" practice he hypothesizes were to point to EXFC as a motivation, such limited anecdotal information would not be sufficient to invalidate or even cast doubt on EXFC statistics. Moreover, the mere fact that mail is collected later than posted times would not, in itself, suggest a lower value of actual service. On the contrary, from the mailer's standpoint, it might suggest a higher value.

What appears to be at the heart of Mr. Carlson's interest in this matter is his allegation that postal patrons in Emeryville

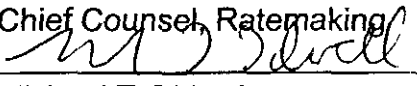
now must deposit their mail earlier or use boxes that are located farther away that have a later posted collection time -- even though the actual collection time of the closer box would have sufficed . . . .

*Id.* Whatever the forum may be for dealing with customer service issues at the Emeryville Post Office, it is not Docket No. R97-1.

In light of the stipulation offered in this reply and in the Postal Service's November 11, 1997, Opposition To Mr. Popkin's Motion To Compel A Further Response to this interrogatory, this motion to compel should be denied or deemed moot.

Respectfully submitted,

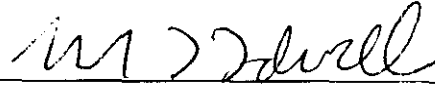
UNITED STATES POSTAL SERVICE  
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December 11, 1997

## CERTIFICATE OF SERVICE

I hereby certify that I have this date served the foregoing document upon all participants of record in this proceeding in accordance with section 12 of the Rules of Practice.

A handwritten signature in black ink, appearing to read "M. Tidwell", written over a horizontal line.

Michael T. Tidwell

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